

[TA-W-31, 780; TA-W-31, 781]

Cray Research, Incorporated, Eagan, MN; Cray Research, Incorporated (CRI) Chippewa Falls, WI; Notice of Negative Determination Regarding Application for Reconsideration

By an application dated March 22, 1996, one of the petitioners requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 26, 1996 and published in the Federal Register on March 19, 1996 (61 FR 11223).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation files show that workers of Cray Research, Incorporated, Eagan, Minnesota and Cray Research, Incorporated (CRI) customer service in Chippewa Falls, Minnesota produced supercomputer systems and provided sales, administrative and support services.

The petitioner claims that aggressive pricing from Japanese competitors, contributed to worker separations at the subject firm locations in Eagan and Chippewa Falls. The petitioner explains that foreign competitors "dumped" a supercomputer at a Texas university. There were at least two other failed attempts to dump similar systems at other U.S. universities. It was only the intervention of the Commerce Department coupled with severe price cuts by CRI that averted these attempts. However, the documentation submitted by the petition shows that these events occurred prior to the time period relevant to the investigation.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of Trade Act was not met. The Department was not able to obtain imports statistics on supercomputers because there are no provisions for that commodity in the Harmonized Tariff Schedule of the United States. To determine import impact for workers of Cray Research, the Department relied on a survey of the subject firm's customers. The

Department's survey revealed that none of the respondents purchased imports of supercomputer systems in the relevant time period of the investigation, which for the full years 1993 through 1995.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 16th day of May, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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[TA-W-32,233]

Dataproducts Corporation, Norcross, GA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 15, 1996, applicable to all workers of Dataproducts Corporation located in Norcross, Georgia. The notice will soon be published in the Federal Register.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The Department is amending the certification for workers of the subject firm to change the impact date. New findings show that workers of the subject firm in Norcross, engaged in the production of computer ribbons, are covered under an existing certification, TA-W-29,840, which does not expire until August 8, 1996.

The amended notice applicable to TA-W-32,233 is hereby issued as follows:

All workers of Dataproducts Corporation, Norcross, Georgia engaged in employment related to the production of computer ribbon products who became totally or partially separated from employment on or after August 8, 1996, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 20th day of May 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of May, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-32,063; Grumman Olson, Mayfield, PA

TA-W-32,253; Pioneer Manufacturing, Inc., Salisbury, NC

TA-W-32,175; Berkley Medical Resources, Inc., Michael Berkowitz Co., Inc., Uniontown, PA

TA-W-32,223; Freedom Textile Chemical Co., Conshohocken, PA

TA-W-32,182; Bend Wood Products, Inc., Bend, OR

TA-W-32,082, TA-W-32,083; ECC International, Sandersville, GA

TA-W-31,983; Whisper Woods (a Division of Jessup Door Co),

Redmond, OR